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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

VIEAUX, GARY

ART UNIT PAPER NUMBER

2612

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/056,118	<b>Applicant(s)</b> BATTLE ET AL.	
	<b>Examiner</b> Gary C. Vieaux	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.  
 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 27-58 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 27-58 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Amendment***

The Amendment filed December 13, 2005 has been received and made of record. Claims 1-26 and 59-71 have been previously cancelled. Claims 27-58 are currently pending.

### ***Response to Arguments***

Applicant's arguments regarding claims 27-58 have been fully considered but they are not persuasive.

Regarding claim 44, Applicants submit that the Donnelly reference does not teach "wherein an action of activating capture of an image automatically creates a contract for the supply of said image" (Response – p. 6, lines 23-24.) The Examiner respectfully disagrees.

In support for their position, Applicants submit that Donnelly teaches that once a photograph or an image is taken, the user must still decide whether the photographs are acceptable (Response – p. 12 line 13 – p.13 line 5.) The Examiner agrees that Donnelly teaches this as an option. However, Donnelly also provides a teaching in which a customer is required to pay for the photographs taken (col. 3 lines 55-56), which when the method of Donnelly is conducted without the optional possibility to provide a customer with the ability to approve or disapprove a photo (col. 5 lines 5-8), results in the customer being bound to pay for each photograph taken. Therefore,

based on the claim as it is currently written, the Examiner stands behind the 35 U.S.C. §102(e) rejection to claim 44.

Regarding claims 45-50, each depends directly from independent claim 44 and thus inherits all the limitations of independent claim 44. Consequently, based on their dependence and the foregoing response to arguments relating to claim 44, the Examiner respectfully stands behind the 35 U.S.C. § 102(e) rejections to claims 45-50.

Regarding claims 51-55, each depends directly from independent claim 44 and thus inherits all the limitations of independent claim 44. Consequently, based on their dependence and the foregoing response to arguments relating to claim 44, the Examiner respectfully stands behind the 35 U.S.C. § 103(a) rejections to claims 51-55.

Regarding independent claim 56, although the wording is different, the material regarding creation of a contract is considered substantively equivalent to that found within claim 44, as discussed above. Therefore, the Examiner respectfully stands behind the 35 U.S.C. § 102(e) rejection to claim 56 based on analogous grounds.

Regarding independent claims 27 and 42, although the wording is different, the material regarding creation of a contract is considered substantively equivalent to that found within claim 44, as discussed above. Therefore, the Examiner respectfully stands behind the 35 U.S.C. § 103(a) rejections to claims 27 and 42 based on analogous grounds.

Regarding claims 28-41, 43, and 57-58, each depends directly from independent claim 27, 42 or 56, respectively, and thus inherits all the limitations of independent claim 27, 42 or 56. Consequently, based on their dependence and the foregoing response to

arguments relating to claim 27, 42 or 56 (by way of claim 44 as discussed), the Examiner respectfully stands behind the 35 U.S.C. § 103(a) rejections to claims 28-41, 43, and 57-58.

### ***Rejections***

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 44-50, and 56** are rejected under 35 U.S.C. 102(e) as being anticipated by Donnelly et al. (US 6,809,762).

Regarding claim 44, Donnelly teaches a method to automatically capture an image in response to the use of a personalized ID card (col. 4 lines 12-20 and 57-67), in which a user providing delivery details (col. 5 lines 63-65) and credit card information (col. 3 line 64 – col. 4 line 12, col. 5 lines 50-51) only pays for photographs that are taken (col. 3 lines 55-56.)

Regarding claim 45, Donnelly teaches all the limitations of claim 45 (see the 102(e) rejection of claim 44 supra) including teaching a method further comprising collecting electronic account data describing a financial account of said user person

(col. 3 line 64 – col. 4 line 9), and using said electronic account data and electronic user registration data to collect payment for said supply of said image (col. 5 lines 46-53.)

Regarding claim 46, Donnelly teaches all the limitations of claim 46 (see the 102(e) rejection of claim 44 supra) including teaching a method further comprising collecting delivery destination information and then delivering the photos to that destination (col. 5 line 63 – col. 6 line 4.)

Regarding claim 47, Donnelly teaches all the limitations of claim 47 (see the 102(e) rejection of claim 44 supra) including teaching a method further comprising collecting delivery destination information and then delivering the photos to that destination via electronic mail (col. 5 line 63 – col. 6 line 4.)

Regarding claim 48, Donnelly teaches all the limitations of claim 48 (see the 102(e) rejection of claim 44 supra) including teaching a method further comprising collecting delivery destination information and then delivering the photos to that destination (col. 5 line 63 – col. 6 line 4.) Donnelly also teaches transmitting said photographic image data between first and second computer entities as electronic data (col. 5 lines 12-16 and lines 54-60; in which the data is digitally captured in a camera and transmitted from the site to the server, and then transferred to a printer), at said second computer entity, converting said photographic image data into a physical photographic print (col. 5 lines 58-63), physically delivering said physical photographic print to a physical said delivery destination (col. 5 line 63 – col. 6 line 4.)

Regarding claim 49, Donnelly teaches all the limitations of claim 49 (see the 102(e) rejection of claim 44 supra) including teaching a method further comprising

sending said electronic account data describing an account details of a said user, to a third party computer entity (col. 4 lines 3-9), and collecting a payment from said third party computer entity (col. 4 lines 10-12.)

Regarding claim 50, Donnelly teaches all the limitations of claim 50 (see the 102(e) rejection of claim 44 supra) including teaching a method wherein said photograph image data is generated in response to an input signal received in close physical proximity to a site of capture of said photograph image data (col. 4 lines 40-64.)

Regarding claim 56, Donnelly teaches a camera installation comprising a camera capable of taking a photographic image data capturing an image over a field area of a size capable of containing at least one human individual (col. 4 lines 55-67), an activation device for activating said camera device to capture a said photographic image data (col. 4 lines 12-20), a user portable identification device carrying a unique identifier data for identifying said user (col. 4 lines 12-20), and a data entry device capable of receiving data identifying a user of the camera installation, the data entry device being provided in close physical proximity to said camera device (col. 4 lines 60-61), wherein said data entry device operates to receive an identification signal from said user portable identification device, uniquely identifying said user, and to determine whether an image of said user corresponding to said user identification data is instructed to be captured (col. 4 lines 60-61; fig. 2 step 41), and if as a result of said determination, said image is instructed to be captured, said camera operates in response to said signal received from said activation device to capture an image of said person carrying said user portable identification device (col. 4 lines 55-67; fig. 2 step 41), wherein activation

of said camera to capture said image automatically creates a contract for the supply of said image (col. 3 lines 55-56.)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 27-37, 39, and 41-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 6,809,762) in view of Ogasawara (US 6,513,015), in view of Brennan (US 5,587,740.)

Regarding claim 27, Donnelly teaches a camera installation, which includes the use of a personalized, portable ID card to initiate image capture (col. 4 lines 12-20 and 57-67.) Donnelly also discloses a customer only paying for photographs taken (col. 3 lines 55-56.)

Ogasawara teaches a smartcard-like identification card (fig. 2, col. 11 lines 40-63) that causes a photograph of the user to be automatically captured (col. 6 lines 36-44.) This ID card also conveys user registration and account data (col. 12 line 62 – col. 13 line 55.) It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the identification card containing stored data as taught by Ogasawara, to serve as the card of the camera installation as taught by Donnelly, so that a user does not need to physically scan a card to convey card information, and



instead have it automatically interrogated based on proximity to a sensor associated with the camera.

Further, Brennan is found to teach a camera installation for providing photographic images in which electronic account data is collected and photograph image data is resultantly generated at the same location (fig. 2 indicator 10; col. 3 line 65 – col. 4 line 25, col. 5 line 56 – col. 6 line 11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the ability to purchase and be photographed at a single location as taught by Brennan, with the installation and card as taught by Donnelly and Ogasawara, which includes the ability to register, pay, establish delivery data at one location and be photographed at other subsequent locations. One of ordinary skill in the art at the time of the invention would be motivated to combine these methods so that a user could register, pay, establish delivery data and be photographed, all at the same camera installation, and which would also allow for a user to make a spontaneous purchase of a photo at any location in which the service is offered (and then be established for purchasing photographs or being photographed again at another point of activation), without having to re-establish an account or to arrange for or plan for photos to be taken prior to a vacation or event.

Regarding claim 28, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 28 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said activation device is configured to automatically activate said camera on entering said field area ('015 – col. 6 lines 36-44.) It would have been obvious to one of ordinary skill in the art at the time of the invention to adapt the

automatic activation of the camera as taught by Ogasawara, into the installation as taught by Donnelly, Ogasawara and Brennan, so that images captured automatically controlled by the installation, leaving the user free to continue their activities unencumbered and undisturbed, without needing to physically scan a card or enter data.

Regarding claim 29, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 29 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said activation device is operable by a user to activate said camera ('762 – col. 4 lines 60-62.)

Regarding claim 30, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 30 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said activation device is configured to store registration data describing personal details of said user ('762 – col. 4 lines 12-16, in which the particular package purchased by the user is identified; '015 – col.4 lines 17-23.)

Regarding claim 31, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 31 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said activation device is configured to store user financial account data which is transferable to said data entry device ('015 col. 4 lines 20-22.)

Regarding claim 32, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 32 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said activation device comprises a hand held computer entity ('015 – fig. 2, col. 11 lines 40-63.)

Regarding claim 33, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 33 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said identification device is passively interrogated to read said unique identifier data when in close physical proximity to said data entry device ('015 – col. 6 lines 36-44, col. 11 lines 64 – col. 12 line 3.)

Regarding claim 34, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 34 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said registration data storage device is configured to store registration data describing personal details of said user ('015 – col.4 lines 17-23.)

Regarding claim 35, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 35 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said registration data storage device is configured to store user financial account data which is transferable to said data entry device ('015 col. 4 lines 20-22.)

Regarding claim 36, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 36 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said registration data storage device comprises a hand held computer entity ('015 – fig. 2, col. 11 lines 40-63.)

Regarding claim 37, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 37 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation wherein said data entry device comprises a radio receiver capable

of receiving digital data uniquely identifying a user ('015 – fig. 1 indicator 22, col. 11 lines 64-65.)

Regarding claim 39, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 39 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation further comprising a visual display device, said visual display device displaying an operation menu, configured to prompt a user to understand operation of said camera installation, as Brennan is found to teach a photo kiosk in which the user is instructed in the operation of the kiosk via the speaker through a set of recorded instructions stored in the installation's memory (col. 6 lines 5-8.) Brennan also teaches inclusion of a flat panel color display (col. 3 lines 55-61) for use with text images (col. 6 lines 49-53.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include the operational instructions as taught by Brennan, in a display format using the visual display device of the camera installation as taught by Donnelly, Ogasawara and Brennan. One of ordinary skill in the art at the time of the invention would have been motivated to combine these teachings in order to be able to prompt a hearing-impaired user on operation of the camera installation, or so that a user could be visually prompted in situations where silence may be preferred, such as along a nature trail or within an art museum.

Regarding claim 41, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 41 (see the 103(a) rejection of claim 27 supra) including teaching a camera installation comprising a self-supporting casing capable of freestanding installation ('740 – fig. 2 indicator 10.)

Regarding claim 42, Donnelly teaches a photographic service system comprising at least one camera installation for capturing photographic digital image data in response to an input signal generated by a person (col. 4 lines 40-49; col. 5 lined 12-16), at least one service provider computer entity (fig. 1 indicator 22; col. 4 lines 33-39) configured to receive said image data from a said camera installation (col. 5 lines 14-16), receive user registration data describing personal details of a user (col. 4 lines 10-15) and receive delivery address data specifying a delivery destination for delivery of a photographic product (col. 5 line 63 – col. 6 line 4.) Donnelly also teaches a camera installation, which includes the use of a personalized, portable ID card to initiate image capture (col. 4 lines 12-20 and 57-67) and wherein a customer only pays for photographs taken (col. 3 lines 55-56.)

Ogasawara teaches a smartcard-like identification card (fig. 2, col. 11 lines 40-63) that causes a photograph of the user to be automatically captured (col. 6 lines 36-44.) This ID card also conveys user registration and account data (col. 12 line 62 – col. 13 line 55.) It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the identification card containing stored data as taught by Ogasawara, to serve as the card of the camera installation as taught by Donnelly, so that a user does not need to physically scan a card to convey card information, and instead have it automatically interrogated based on proximity to a sensor associated with the camera.

Further, Brennan is found to teach a method of providing photographic images in which electronic account data is collected and photograph image data is resultantly

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generated at the same location (fig. 2 indicator 10; col. 3 line 65 – col. 4 line 25, col. 5 line 56 – col. 6 line 11.) It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the ability to purchase and be photographed at a single location as taught by Brennan, with the installation and card as taught by Donnelly and Ogasawara, which includes the ability to register, pay, establish delivery data at one location and be photographed at other subsequent locations. One of ordinary skill in the art at the time of the invention would be motivated to combine these methods so that a user could register, pay, establish delivery data and be photographed, all at the same camera installation, and which would also allow for a user to make a spontaneous purchase of a photo at any location in which the service is offered (and then be established for purchasing photographs or being photographed again at another point of activation), without having to re-establish an account or to arrange for or plan for photos to be taken prior to a vacation or event.

Regarding claim 43, Donnelly, Ogasawara and Brennan teach all the limitations of claim 43 (see the 103(a) rejection of claim 42 supra) including a photographic service system wherein said at least one service provider computer entity is configured to receive user account data describing financial account data of a user ('740 – col. 3 line 64 – col. 4 line 9; col. 4 lines 33-39), send said account data to a financial institution for effecting payment of a monetary amount from said user ('740 – figure 1; col. 4 lines 3-12 and lines 33-39.)

**Claim 38** is rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 6,809,762) in view of Ogasawara (US 6,513,015), in view of Brennan (US 5,587,740), in further view of Frey et al. (6,369,908.)

Regarding claim 38, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 38 (see the 103(a) rejection of claim 27 supra) except for expressly teaching a camera installation wherein said data entry device comprises a keypad having a plurality of alphanumeric keys, by which a user may enter text data by activating said alphanumeric keys. However, Brennan is found to teach a photo kiosk which includes an alphanumeric keypad and a flat panel display, and in which the user can add a superscripted text message to a captured image (col. 3 lines 56-60; col. 6 lines 47-52.) It would have been obvious to one of ordinary skill in the art to include an alphanumeric keypad for data entry and to add the ability to include messages to a captured image as taught by Brennan, with the camera installation as taught by Donnelly, Ogasawara and Brennan, so that a user may categorize or descriptively alter a captured image with the addition of a text image, such as "Greetings from the Great Divide" (fig. 4 indicator 130.) Brennan does not explicitly teach a user entering text data by activating said alphanumeric keys.

Nevertheless, Frey is found to teach a photo kiosk in which a user can add textual messages to a captured image via a keyboard or touch screen monitor (col. 4 lines 23-26.) It would have been further obvious to one of ordinary skill in the art at the time of the invention to add the ability to enter messages to a captured image as taught by Frey, by entering them via an alphanumeric keypad included with camera installation

as taught by Donnelly, Ogasawara and Brennan, so that a user is not limited to just adding a text image, but may customize the textual message to be included on the captured image, if desired.

**Claim 40** is rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 6,809,762) in view of Ogasawara (US 6,513,015), in view of Brennan (US 5,587,740), in further view of Examiner's Official Notice.

Regarding claim 40, Donnelly, Ogasawara and Brennan teach all of the limitations of claim 40 (see the 103(a) rejection of claim 27 supra) except for explicitly teaching a camera installation wherein said camera installation is enclosed in a weatherproof casing, for outdoor use. However, Brennan does teach a camera installation employed in outdoor use (fig. 1 indicator 10.)

Official Notice is taken regarding the knowledge that waterproof camera housings are often used when cameras are employed in outdoor environments; a concept that is well known and expected in the art. Given the applications of the camera installation of Donnelly, it would have been obvious to one of ordinary skill in the art at the time of the invention to enclose the camera installation in a weatherproof casing in order to protect the electronics within, particularly when employed in outdoor environments where it would be exposed to the elements of nature, such as the beach or on a ski slope.



**Claims 52, 54 and 55** are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 6,809,762) in view of Weston et al. (US 6,608,563.)

Regarding claim 52, Donnelly teaches all the limitations of claim 52 (see the 102(e) rejection of claim 44 supra) except for teaching a method wherein a said photographic image data comprises a sequence of video images.

Nevertheless, Weston is found to teach a system for automated photo capture and retrieval in which the photographic image captured comprises a sequence of video images (col. 3 lines 58-62.) It would have been obvious to one of ordinary skill in the art at the time of the invention for the photographic image of the method as taught by Donnelly, to be comprised of a sequence of video images as taught by Weston. One of ordinary skill in the art at the time of the invention would have been motivated to capture video images in order to be able to create a video album based on captured situational reactions, possibly due to theme park thrill rides, or captured video messages, to further describe or personalize the moment.

Regarding claim 54, Donnelly teaches all the limitations of claim 54 (see the 102(e) rejection of claim 44 supra) except for teaching a method further comprising the process of displaying a photographic image data on a web site.

Nevertheless, Weston is found to teach an automated photo capture and retrieval system, in which the photographic image captured may be subsequently accessed by computer over the World Wide Web or other suitable internet system (col. 10 lines 33-36 and lines 50-56.) It would have been obvious to one of ordinary skill in the art at the

time of the invention to display the photographic image data of the method as taught by Donnelly, on a web site as taught by Weston. One of ordinary skill in the art at the time of the invention would have been motivated to combine this feature as a way for family and friends at remote locations to view the images of an event from a location different than that of the event or that of the destination to which the images were/will be delivered.

Regarding claim 55, Donnelly teaches all the limitations of claim 55 (see the 102(e) rejection of claim 44 supra) except for teaching a method further comprising the steps of displaying a photographic image data on a web site, and downloading a said photographic image from said web site to a remote computer entity.

Nevertheless, Weston is found to teach an automated photo capture and retrieval system in which the photographic image captured may be viewed and/or downloaded from a home computer using the World Wide Web (col. 10 lines 33-36 and lines 50-56.) It would have been obvious to one of ordinary skill in the art at the time of the invention to display and download the photographic image data of the method as taught by Donnelly, via a web site as taught by Weston. One of ordinary skill in the art at the time of the invention would have been motivated to combine this feature as a way for family and friends at remote locations to view and receive the images of an event from a location different than that of the event or that of the destination to which the images were/will be delivered.

**Claims 53** is rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 6,809,762) in view of Frey et al. (US 6,369,908.)

Regarding claim 53, Donnelly teaches all the limitations of claim 53 (see the 102(e) rejection of claim 44 supra) except for teaching a method further comprising the processes of collecting personalized message data from said user, and delivering a message contained in said message data, to a delivery destination, together with said image. However, it is noted that Donnelly does provide for delivery of the image to a specified destination (col. 6 lines 1-4.)

Nevertheless, Frey is found to teach a system for automated photo capture in which personalized message data from the user can be collected and superimposed on the image (col. 4 lines 23-29.) It would have been obvious to one of ordinary skill in the art at the time of the invention to add the ability to collect and superimpose personalized message data from said user onto the image as taught by Frey, with the method as taught by Donnelly, for the purpose further customizing the photograph image that is to be delivered to the destination specified.

**Claims 51, 57 and 58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 6,809,762) in view of Ogasawara (US 6,513,015.)

Regarding claim 51, Donnelly teaches all the limitations of claim 51 (see the 102(e) rejection of claim 44 supra) including teaching a method further comprising collecting electronic user registration data, collecting electronic account data, and collecting delivery destination data (col. 3 lines 1-4, col. 3 line 64 – col. 4 line 13, col. 5

line 63 – col. 6 line 4), but does is not found to teach collection of this data by transmitting from a hand held computer entity device held by said user, to a camera installation comprising a camera which generates said photograph image data.

Nevertheless, Ogasawara teaches a hand held computer entity device (fig. 2, col. 11 lines 40-63) that causes a photograph of the user to be automatically captured (col. 6 lines 36-44.) This ID card also conveys user registration, account data, and assorted additional data (col. 12 line 62 – col. 13 line 55.) It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the identification card containing stored data as taught by Ogasawara, to serve as the card and the hold pertinent data for transference of the data of the method as taught by Donnelly, so that a user does not need to physically scan a card to convey card information or manually enter data, and instead can have the data transferred during an automatic interrogation based on proximity to a sensor associated with the camera and camera installation, as well as serving to put the information onto a retrievable source so that a user does not need to re-enter data multiple times. One of ordinary skill in the art at the time of the invention would have also been motivated to make this combination so that the camera installation, possibly found in a remote location without human supervision, could receive the transmitted data necessary to have photos taken, paid for, and delivered, without requiring data entry means, such as a keypad or credit card swipe, which if required to be present, would only increase the components of the camera installation that could be vandalized or which could require maintenance.

Regarding claim 57, Donnelly teaches all of the limitations of claim 57 (see the 102(e) rejection of claim 56 supra) except for teaching a camera installation wherein a hand held computer device transmits user identification data for identifying a user to said data entry device.

Ogasawara teaches a hand held computer entity (fig. 2, col. 11 lines 40-63) that causes a photograph of the user to be automatically captured (col. 6 lines 36-44.) This ID card also conveys user registration and account data (col. 12 line 62 – col. 13 line 55.) It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the identification card containing stored data as taught by Ogasawara, to serve as the card of the camera installation as taught by Donnelly, so that a user does not need to physically scan a card to convey card information or manually enter data, and instead have it automatically interrogated based on proximity to a sensor associated with the camera and camera installation, as well as serving to put the information onto a retrievable source so that a user does not need to re-enter data multiple times. One of ordinary skill in the art at the time of the invention would have also been motivated to make this combination so that the camera installation, possibly found in a remote location without human supervision, could receive the transmitted data necessary to have photos taken, paid for, and delivered, without requiring data entry means, such as a keypad or credit card swipe, which if required to be present, would only increase the components of the camera installation that could be vandalized or which could require maintenance.

Regarding claim 58, Donnelly teaches all of the limitations of claim 58 (see the 102(e) rejection of claim 56 supra) except for teaching a camera installation wherein data for identifying a user comprises data selected from the set: user name; user address; user bank account details; physical delivery address for photograph images; and electronic delivery address for photograph images. However, it is noted that Donnelly does provide an ID that identifies a family and a photographic package (col. 4 lines 12-13.)

Ogasawara teaches a hand held computer entity (fig. 2, col. 11 lines 40-63) that causes a photograph of the user to be automatically captured (col. 6 lines 36-44.) This ID card also conveys user registration and account data, such as name and address (col. 12 line 62 – col. 13 line 55.) It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the identification card containing stored data as taught by Ogasawara, to serve as the card of the camera installation as taught by Donnelly, so that a user does not need to physically scan a card(s) to convey card information or manually enter data, and instead have it automatically interrogated based on proximity to a sensor associated with the camera.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieaux whose telephone number is 571-272-7318. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen T. Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary C. Vieaux  
Examiner  
Art Unit 2612

Gcv2



NGOC-YEN VU  
PRIMARY EXAMINER